

**JUL 21 2005**

**CATHY A. CATTERSON, CLERK**  
**U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

CESAR NAAR RAFFIN,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-73535

Agency No. A95-293-623

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 11, 2005<sup>\*\*</sup>

Before: SCHROEDER, Chief Judge, RAWLINSON and BYBEE, Circuit  
Judges.

Cesar Naar Raffin, a native and citizen of Argentina, petitions for review of the Board of Immigration Appeals' ("BIA") decision, which affirmed the Immigration Judge's ("IJ") order denying his application for asylum, withholding

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of removal, relief under the Convention Against Torture, and his motion for a continuance. We have jurisdiction under 8 U.S.C. § 1252. We deny the petition.

“Where, as here, the BIA adopts the IJ’s decision while adding its own reasons, we review both decisions.” *See Kataria v. INS*, 232 F.3d 1107, 1112 (9th Cir. 2000). The court reviews claims of due process violations de novo. *Reyes-Palacios v. INS*, 836 F.2d 1154, 1155 (9th Cir. 1988). The court reviews the decision to deny a continuance for abuse of discretion. *Baires v. INS*, 856 F.2d 89, 91 (9th Cir. 1988).

We conclude that the IJ’s denial of a continuance did not violate Raffin’s right to obtain counsel because Raffin waived his right to counsel at his hearing. *Cf. Reyes-Palacios*, 836 F.2d at 1155. Furthermore, we conclude that the IJ’s denial of a continuance did not constitute an abuse of discretion, because Raffin had been granted two continuances, and because he was able to present his asylum claim. *Cf. Rios-Berrios v. INS*, 776 F.2d 859, 862-63 (9th Cir. 1985).

**PETITION FOR REVIEW DENIED.**